

**TEXAS RADIATION ADVISORY BOARD
ANNUAL REPORT 1998**

I. Dates of meetings

Meeting Date	Committees Meeting
May 9, 1998	Waste & Industrial Medical Fee Executive TRAB
February 21, 1998	Waste & Industrial Medical Laser Ad Hoc TRAB
December 6, 1997	Fee Medical Uranium TRAB
August 16, 1997	Executive Fee Medical Uranium TRAB

NOTE: The four meetings following the August 1, 1997, report to the Texas Board of Health are being used for the reporting period.

II. Attendance

Date of Meeting	Attending	Absent
May 9, 1998	Jimmy L. Barker, P.E.; Thomas M. Burnette; Michael S. Ford, C.H.P.; Glen K. King, D.V.M.; Dale E. Klein, Ph.D., P.E.; Justin P. LeVasseur, M.D.; Odis R. Mack; Connie Rogers; William R. Underdown, Jr.; Philip M. Wentworth	Susan E. Best, M.D., Ph.D.; Donald S. Butler; Earl P. Erdmann; David N. Henkes, M.D.; W. Kim Howard, M.D.; Jack S. Krohmer, Ph.D.; Troy Marceleno, P.E.; Bruce A. Matson, D.D.S.
February 21, 1998	Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Thomas M. Burnette; Earl P. Erdmann; Michael S. Ford, C.H.P.; W. Kim Howard, M.D.; Glen K. King, D.V.M.; Dale E. Klein, Ph.D., P.E.; Jack S. Krohmer, Ph.D.; Justin P. LeVasseur, M.D.; Troy Marceleno, P.E.; Bruce A. Matson, D.D.S.; Connie Rogers; William R. Underdown, Jr.	Donald S. Butler, David N. Henkes, M.D.; Odis R. Mack, Philip M. Wentworth
December 6, 1997	Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Thomas M. Burnette; Earl P. Erdmann; Michael S. Ford, C.H.P.; W. Kim Howard, M.D.; Dale E. Klein, Ph.D., P.E.; Jack S. Krohmer, Ph.D.; Justin P. LeVasseur, M.D.; Odis R. Mack; Troy Marceleno, P.E.; Bruce A. Matson, D.D.S.; Connie Rogers; William R. Underdown, Jr.; Philip M. Wentworth	Donald S. Butler; David N. Henkes, M.D.; Glen K. King, D.V.M.
August 16, 1997	Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Thomas M. Burnette; Earl P. Erdmann; Michael S. Ford, C.H.P.; David N. Henkes, M.D.; W. Kim Howard, M.D.; Glen K. King, D.V.M.; Dale E. Klein, Ph.D., P.E.; Jack S. Krohmer, Ph.D.; Justin P. LeVasseur, M.D.; Odis R. Mack; Troy Marceleno, P.E.; Bruce A. Matson, D.D.S.; Connie Rogers; William R. Underdown, Jr.; Philip M. Wentworth	Donald S. Butler

Number of Meetings Attended

Member	Number of Meetings Attended	Percent Attended
Jimmy Barker, P.E.	4	100
Susan E. Best, M.D., Ph.D.	3	75
Thomas M. Burnette	4	100
Donald S. Butler	0	0
Earl P. Erdmann	3	75
Michael S. Ford, C.H.P.	4	100
David N. Henkes, M.D.	1	25
W. Kim Howard, M.D.	3	75
Glen K. King, D.V.M.	3	75
Dale E. Klein, Ph.D., P.E.	4	100
Jack S. Krohmer, Ph.D.	3	75
Justin P. LeVasseur, M.D.	4	100
Odis R. Mack	3	75
Troy Marceleno, P.E.	3	75
Bruce A. Matson, D.D.S.	3	75
Connie Rogers	4	100
William R. Underdown, Jr.	4	100
Philip M. Wentworth	3	75

III. Board Actions

Topic	Agency	Advice and Recommendations	Status
X-ray regulations	TDH	TRAB recommended proposal and adoption of revisions Texas Regulations for Control of Radiation Part 32 - TAC 289.227 on Radiation machines in the healing arts and veterinary medicine	Rules adopted by Texas Board of Health
X-ray machine registration	TDH	TRAB recommended proposal and adoption of revisions to Part 42 - TAC 289.226 on Registration of machine use and services	Rules adopted by Texas Board of Health
Medical uses of radioactive materials	TDH	TRAB recommended proposal and adoption of revisions to Part 41 - TAC 289.252 Licensing of radioactive materials for medical uses - uses of radioactive drugs regarding adherence to the package inserts	Rules adopted by Texas Board of Health
Uranium license fees and penalties for late fees	TDH	TRAB recommended proposal and adoption of revisions to Part 12 - TAC 289.204 Recommendation for proposal of uranium fee and rule on penalty for late fees	Rules adopted by Texas Board of Health
Transportation of radioactive materials	TDH	TRAB recommended proposal and adoption of revisions to: Part 11 - TAC 289.201 General provisions Part 14 - TAC 289.257 Packaging and transportation of radioactive materials Part 21 - TAC 289.202 Basic standards Part 41 - TAC 289.252 Licensing of radioactive materials Part 44 - TAC 289.254 Waste processing and storage	Rules adopted by Texas Board of Health

Topic	Agency	Advice and Recommendations	Status
Uranium regulations	TDH	TRAB recommended proposal and adoption of Part 43 - TAC 289.260 on uranium	Rules adopted by Texas Board of Health
Using protective devices with x-ray C-arms	TDH	TRAB made policy recommendations on using protective devices with C-arms. TRAB recommended that exemptions from using protective devices with C-arms not be granted. The TRAB indicated that exposure data should be evaluated regarding handheld fluoroscopy C-arm devices if exemptions are to be considered.	Staff adopted recommendation as policy.
TRAB made policy recommendations on regulation of lasers	TDH	TRAB recommended further evaluating the policy of regulating lasers. An Ad Hoc Committee worked with the BRC to study the laser issue and make recommendations on best practices and associated regulatory considerations.	Rulemaking is underway. Members of the Air Force, NASA, universities, Southwest Airline Pilots' Association, and manufacturers and industrial and medical users of lasers, met with TRAB and BRC staff and made recommendations on draft rules and laser policy. Draft rules are being developed.
Uranium rules	TDH	TRAB recommended proposal and adoption of Uranium rules Final adoption of 25 TAC 289.260 for Texas Department of Health	Rules adopted by Texas Board of Health
	TNRCC	TRAB recommended Repeal of 30 TAC for TNRCC	Rules repealed by TNRCC

Topic	Agency	Advice and Recommendations	Status
Fees	TDH	TRAB recommended proposal and adoption of fee rules - 25 TAC 289.204	Rules adopted by Texas Board of Health
Notices, Instructions and Reports to Workers	TDH	TRAB recommended proposal and adoption of rules on Notices, Instructions and Reports to Workers - 25 TAC 289.203	Rules adopted by Texas Board of Health
Radioactive waste	TNRCC	TRAB recommended proposal and adoption of rules of TNRCC: 30 TAC 39 Subchapter F on notices 30 TAC 305 Subchapters B and C on process, emergency orders, and applications for permits 30 TAC 336 Subchapters A-D, F-I on decommissioning and buried waste sites	Rules adopted by TNRCC
Food Irradiation	TDH	TRAB revised its report, "Food Irradiation: the Potential for Texas" to make the report current.	Texas Board of Health used technical guidance in developing a TDH policy on food irradiation
PET radiopharmaceuticals (positron emission tomography)	TDH	TRAB recommended policy for physician requirements for PET radiopharmaceuticals (positron emission tomography): 25 TAC 289.252(w)(5)(B) on imaging and localization, and 24 hours of work and participation in 10 cases	Staff adopted policy.

Topic	Agency	Advice and Recommendations	Status
Mammo- graphy policy	TDH	<p>TRAB recommended mammography policy on self attestation of physician credentials.</p> <p>For new facilities, self attestation by physicians who are already approved at another facility should be accepted so that duplicate paperwork will not be required.</p>	Staff adopted policy.
Rocketdyne Worker Health Study and EPA Federal Guidance Report No. 13.	Environ- mental Protection Agency (EPA)	Michael Ford, CHP, introduced a report he prepared on the Rocketdyne Worker Health Study and Federal Guidance Report No. 13.	TRAB will consider making a recommendation on the report; individual members wrote to Governor Bush and the EPA.
Mammo- graphy authoriza- tion	TDH	TRAB reviewed a physician's credentials to determine if training was equivalent to formal training specified in rule.	Issue is pending awaiting final recommendation.

Topic	Agency	Advice and Recommendations	Status
Osteoporosis Screening	TDH	<p>TRAB recommended osteoporosis screening criteria to include:</p> <ul style="list-style-type: none"> (a) an estrogen deficient woman at clinical risk for osteoporosis (b) an individual with vertebral abnormalities (c) an individual receiving long-term glucocorticoid steroid therapy (d) an individual with primary hyperparathyroidism (e) an individual being monitored to assess the response to or efficacy of an approved osteoporosis drug therapy (f) an individual with a history of bone fractures (g) an individual being monitored to assess the response to or efficacy of an approved osteoporosis therapy 	Staff adopted policy recommendation.
Disposal of Cs-137 contaminated incident related materials	TDH	TRAB recommended proposal and adoption of TAC 289.202 disposal of Cs-137 contaminated incident related materials	

Topic	Agency	Advice and Recommendations	Status
Legislative Appropriation Request for the Texas Department of Health and its Bureau of Radiation Control	TDH	<p>TRAB addressed (1) a nonionizing (laser) regulatory program and (2) a separate strategy for "radiation control."</p> <p>TRAB supported including a Nonionizing Regulatory Program for lasers as an exceptional item in the Legislative Appropriations Request.</p> <p>TRAB recommended separating "Radiation Control" from the "Environmental Health" Strategy (A.1.3.) and identified two benefits:</p> <ol style="list-style-type: none"> 1. making the functions of the radiation control program more accountable, and 2. making accurate fee information more predictable 	<p>Review of exceptional items by Texas Board of Health is in progress</p> <p>Texas Department of Health concurred with the recommendation</p>

IV. Actions Requested by Texas Texas Board of Health

The Texas Texas Board of Health used TRAB's technical guidance in developing a policy on food irradiation.

V. Activities Anticipated

Topic	Activities Anticipated
Nonionizing regulation (lasers)	Conclude rulemaking
Transportation of radioactive materials	Review emergency planning and transportation issues related to the Waste Isolation Pilot Plant in New Mexico.
Pantex (Department of Energy plant)	Continue to study the implications of the operations at the Pantex plant weapons dismantlement and storage plant in Amarillo and receive briefings on emergency response activities

Topic	Activities Anticipated
X-ray regulations	Review revisions to rules
Regulatory fees	Annual review of fee structure and revision of fee schedule
Low-level radioactive waste disposal	Continue to study progress in getting an operating waste site in Texas
Low-level radioactive waste Compact Commission (to be appointed if compact legislation passes)	Policy, rules and fee issues surrounding a radioactive waste disposal compact with Maine and Vermont
Texas Natural Resource Conservation Commission	Review issues related to waste disposal as needed
Texas Railroad Commission	Review rules on NORM as needed
Texas Low-Level Radioactive Waste Disposal Authority	Provide recommendations as needed
Legislation	Continue to participate in hearings and discussions on legislation relating to radiation; revision of definitions which the Nuclear Regulatory Commission requires for compatibility with federal law
Rulemaking - Texas Department of Health, September 1998 to January 1999	<p>TRAB will be asked to make recommendations on proposal and adoption of rules on these topics:</p> <ul style="list-style-type: none"> memorandum of understanding with other agencies industrial radiography NORM (naturally occurring radioactive materials) mammography hearings and enforcement criteria for patient release for patients containing radioactive materials resolution of dual regulation of airborne effluents of radioactive materials radiological criteria for license termination

VI. Amendments to T.A.C. 289.130 Requested

The 75th Legislature changed the statutes concerning the Texas Radiation Advisory Board, amending Chapter 401 of the Health and Safety Code with House Bills 212 and 213, effective June 2 and

September 1, 1997, respectively. To be consistent with the statutes, the following changes are needed in Section 289.130 Texas Radiation Advisory Board (board). Boldface type indicates the new, correct wording.

Sec. 289.130 (c) Purpose. The purpose of the board is to provide advice to the Texas Texas Board of Health and to the Texas Department of Health's (department), **Texas Natural Resource Conservation Commission, the Railroad Commission of Texas, and other state agencies** radiation programs in the area of state radiation policies and programs.

Sec. 289.130 (d)(1) the board shall advise the Texas Texas Board of Health and the radiation programs of the department, the **Texas Natural Resource Conservation Commission, the Railroad Commission of Texas, and other state agencies**, concerning rules relating to state regulation of radiation.

Sec. 289.130 (d)(2) The board.....and review proposed rules and guidelines of the department, the **Texas Natural Resource Conservation Commission, the Railroad Commission of Texas, and other state agencies**, relating to regulation of sources of radiation....

Sec. 289.130 (e) Review and duration. {Time period may change based on Sunset Review in progress.}

Sec. 289.130 (I)(1) A meeting may be called by the **advisory board chairman or by five advisory board members**.

Throughout the rules, reference is made to "subcommittees" rather than "committees" of the TRAB. The later term would be correct and at a time when substantive changes are being made, it would be appropriate to change the reference to "committees."

VII. Board's Expenses for FY 1998

Expense	Amount
Reimbursement of members	\$ 10,110.64
Staff time in support of the board	\$ 12,533.44
Other operating	\$ 400.06
TOTAL	\$ 23,044.14

Source: TDH Expenditure Allocations thru May 1998

